

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:24-cv-157-MOC**

**CRAIG BALFOUR,**

**Plaintiff,**

**vs.**

**DAVID MILLER, et al.,**

**Defendants.**

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**ORDER**

**THIS MATTER** is before the Court sua sponte.

The pro se Plaintiff filed this civil rights action while he was incarcerated at the Spartanburg County Detention Center in Spartanburg, South Carolina. [Doc. 1]. The Complaint was dismissed on initial review and the Plaintiff was granted the opportunity to amend. [Doc. 5]. He was cautioned that, “[s]hould Plaintiff fail to timely amend his Complaint in accordance with this Order, the Court will dismiss this action without further notice.” [Id. at 3]. The Order was mailed to the Plaintiff at his address of record that same day, however, it was returned to the Court as undeliverable, stating “return to sender, vacant, unable to forward.” [See Doc. 6].

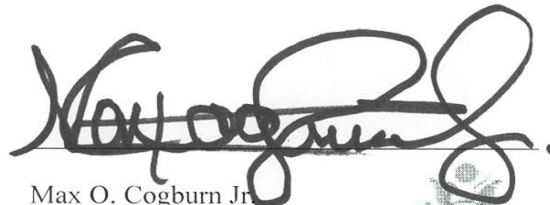
The Plaintiff has not amended his Complaint and the time to do so has expired. The Plaintiff has also failed to update his address with the Court. [See Standing Order of Instructions]. The Plaintiff appears to have abandoned this action and the Court is unable to proceed. This case will therefore be dismissed without prejudice. See Fed. R. Civ. P. 41(b) (“If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it.”); Link v. Wabash R.R. Co., 370 U.S. 626, 630-33 (1962) (although

Rule 41(b) does not expressly provide for sua sponte dismissal, Rule 41(b) does not imply any such restriction and a court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

**IT IS, THEREFORE, ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE**.

**IT IS SO ORDERED.**

Signed: December 9, 2024



Max O. Cogburn Jr.  
United States District Judge